

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CR2012-129535-001 DT

09/19/2012

COMMISSIONER R. JEFFREY WOODBURN

CLERK OF THE COURT  
M. Cabral  
Deputy

STATE OF ARIZONA

HEATHER LEE KIRKA

v.

JUSTIN BRUTON (001)  
DOB: 01/17/1987

MARCIA GROVES MILLER

APO-SENTENCINGS-CCC  
APPEALS-CCC  
DISPOSITION CLERK-CSC  
RFR

SUSPENSION OF SENTENCE - PROBATION GRANTED

10:13 a.m. This is the time set for Sentencing.

Courtroom 2C - South Court Tower

State's Attorney:	Thomas Bailey for Heather Kirka
Defendant's Attorney:	Marcia Miller
Defendant:	Present

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Count(s) 2: WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived all pertinent constitutional and appellate rights and entered a plea of guilty.

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 2 (Amended): Possession of Drug Paraphernalia  
Class 6 Undesignated Felony

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A.R.S. § 13-3401, 13-3407, 13-3415, 13-3418, 13-610, 12-269, 13-701, 13-702, 13-801, 13-707, 13-802, 13-901.01(D) and 13-901.01(H)(4)

Date of Offense: 06/04/2012

Non Dangerous - Non Repetitive

The Court is suspending imposition or execution of sentence and, under the supervision of the Adult Probation Department (APD), placing the defendant on probation for:

Count 2 Probation Term: 3 years

To begin 09/19/2012.

Condition 6: Report to the APD within 72 hours of sentencing, absolute discharge from prison, release from incarceration, or residential treatment and continue to report as directed. Keep APD advised of progress toward case plan goals and comply with any written directive of the APD to enforce compliance with the conditions of probation. Provide DNA testing if required by law.

Condition 8 - Request and obtain written permission of the APD prior to leaving the State.

Condition 15: Restitution, Fines and Fees:

PROBATION SERVICE FEE: Count 2 - \$65.00 per month, beginning 12/01/2012.

FINE: Count 2 - Total amount of \$1372.50, which includes surcharges of 83%, payable \$35.00 per month beginning 12/01/2012.

Fine is to be paid to the Arizona Drug Enforcement Fund.

PROBATION SURCHARGE: Count 2 - \$20.00 payable on 12/01/2012.

Count 2: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00 payable on 12/01/2012.

PENALTY ASSESSMENT - A.R.S. §12-116.04: Count 2 - \$13.00 payable on 12/01/2012.

Investigative Agency:

Phoenix Police Department

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All amounts payable through the Clerk of the Superior Court.

Condition 16 - Not consume or possess any substances containing alcohol.

Condition 17 - Count 2: Complete a total of 40 hours of community restitution. Complete a set number of hours per month as directed in writing by APD. Complete hours at a site approved by the APD.

Condition 18 - Count 2: Be incarcerated in the county jail for 21 day(s), beginning 09/19/2012 with credit for 0 day(s) served.

Not to be released until 10/10/2012.

Report to the APD within 72 hours of release from jail. Comply with all program rules.

Condition 21 - Abide by the special conditions of probation as noted on the attachment to the Uniform Conditions of Supervised Probation as follows:

Drug Court

Defendant is advised pursuant to A.R.S. § 13-805 that failure to maintain contact with the Probation Department may result in the issuance of:

1. A criminal restitution order in favor of the state for the unpaid balance, if any, of any fines, costs, incarceration costs, fees, surcharges or assessments imposed.

2. A criminal restitution order in favor of each person entitled to restitution for the unpaid balance of any restitution ordered.

IT IS ORDERED granting the Motion to Dismiss the following: Count 1.

Count(s) 2: IT IS ORDERED remanding Defendant to the custody of the Maricopa County Sheriff.

IT IS FURTHER ORDERED that Defendant must submit to DNA testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 13-610.

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The EDC Adult Probation Office has prepared a written Presentence Investigation and Recommendation.

10:22 a.m. Matter concludes.

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Defendant's right index fingerprint is permanently affixed to this sentencing order in open court.

/s/ COMMISSIONER R. JEFFREY WOODBURN  
JUDICIAL OFFICER OF THE SUPERIOR COURT

(right index fingerprint)